THE Pretender's RIGHT TO THE CROWN Conſider'd.

SIR,

WHereas ſome People who pretend to be no Enemy's to King George's Poſſeſſion, do not withſtanding ſcrouple the Clauſe in the Abjuration-Oath, by which they are obliged to declare, that they do believe in their Conſcience that the Perſon pretended to be Prince of Wales, &c. *hath not any Right or Title whatſoever to the Crown of this Realm*, &c.

Their Scrouple is founded on this, That they can't ſwear that in Conſcience they believe the Pretender not to be the Son of the late King James, and by conſequence, they can't Swear that he has no Right or Title whatſoever to the Crown. Their Objection is ſtrengthen'd by this, that the late King James and his Queen did both declare him to be their Son, and offer'd Evidence for it, which is recorded in the Court of Chancery.

I know it is not eaſie to remove Prejudices; but would theſe People make the ſame uſe of their Reaſon in this point, that they do in their ordinary Affairs, they might be ſoon convinc'd, that there's nothing in the Objection, For.

Firſt, The late King Jame and his Queen, being Partyes concern'd as to Intereſt and the Difference of Religion, their Aſſertion is not to be taken for a ſufficient Proof in a caſe of this nature, ſince every Man knows their Religion allow'd them to aſſert the groſſeſt Fallhood in order to promote what they thought the Good of the Catholick Church.

2dly, Even in Caſes of Common Right betwixt the Crown and the Subject, Aſſertions on behalf of the Crown, without legal Proof, are not allow'd to be good Evidence in any of the Courts in Weſtminiſter-Hall.

3dly, When Evidence for the Crown is offer'd there, 'tis liable to the ſame Rules of Examination, as Evidence offer'd for the Subject. Then *a fortiori*, Evidence for the Succeſſion of the Crown being of much greater Importance, ought to be ſubject to ſtricter Examation, if poſſible.

4thly, The Evidene given by the Crown, as to the Birth of the Pretender, was neither ſubject to ſuch an Examination, nor given in before the proper Judge. That it was not ſubmitted to ſuch an Examination, is erident from this, that no Witneſſes were ſo much as ſummon'd, on behalf of the Princeſs of Orange and the Princeſs Ann of Denmark, who were the Preſumptive Heireſſes to the Crown, and made the Objection againſt the Pretender's being the legitimate Son of their Father the late K. James. Nor were they allow'd to be preſent in Perſon, or by their Deputys at the ſuppoſed Birth; which did ſo juſtly diſpleaſe both of them, that they and their Husbands join'd with thoſe who took Arms againſt the late King James, for that and other Articles of his Male-Adminiſtration.

5thly, That the Evidence for the Pretender's Legitimach was not given in before the proper Judge, is demonſtrable, thus: The Prince of Orange who claim'd in Right of his Lady, referr'd that Matter to the Deciſion of the Parliament, which is the only proper Judge of Controverſys about the Succeſſion by the Conſtitution of England, as appears by our Statutes, and by the conſtant Practice of the Nation.

6thly That inſtead of ſubmitting this Controverſy to the Diciſion of Parliament, the late King James durſt not venture it, but put a ſtop to the Writs that he himſelf had iſſued, for calling a Parliament, and threw the Seals into the Thames, that the Writs might not proceed according to due courſe of Law.

7thly, That he himſelf, with his Queen, his ſuppoſed Son, and the principal Evidence who ſwore to his Birth, retired out of the Kingdom, which made it impoſſible for the Convention of ſucceeding Parliaments, to enter upon the Enquiry; nor were they in the leaſt obliged to do it, ſince he himſelf had deſerted his own Cauſe, and by conſequence ſuffer'd a Nonſuit, which in all Law and Equity made void his own Claim, and that of his pretended Son; ſo that the Nation was no longer obliged to have any Regard to either, but lay under an indiſpenſible Neceſſity of providing for their own Government: which they did by ſettling the Succeſſion upon the next undoubted Heirs, ſo tender a Regard had they to that Hereditary Right which our Laws Eſtabliſh'd.

8thly, But allowing that the late King James had a Son really born in England at the time ſuppos'd, there was never any Evidence given, or offered, That the Perſon now pretending to be his Son, is he that was born in England; ſo that we have no Matter of Certainty who this Pretender is.

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9thly, On the contrary, there were, and ſtill are, very great *Preſumptions*, not to ſay poſitive *Proofs*, That King James's Queen was not brought to Bed at all of any Child, June 10, 1688, of which the late Queen Anne was ſo ſenſible, that by Letters to her Siſter the *Princeſs* of Orange, ſhe expos'd the whole Cheat of her ſuppoſed *Pregnacy* and Birt; upon which, and other Informations from *Perſons* of Quality of both Sexes, who made it their Buſineſs to obſerve and enquire into that Affair with the utmoſt Nicety, the *Prince* of Orange founded his Charge of the *Pretender's* being Suppoſititious. And ſince neither the *Pretender's* ſuppoſed *Parents*, nor any other for 'em, did offer any legal Evidence before proper Judges, to diſprove that Charge, as has been already mentioned, it amounts to as great a Demonſtration as the Nature of the Thing will admit of, that they could not do it. And therefore, if theſe Perſons who make the above-mention'd Objection againſt the Abjuration-Oath, will conſider the Matter calmly, they will find, that they have a great deal more Reaſon and Certainty for aſſerting, That they believe in their Conſcience, that the Pretender has no Right whatſoever to the Crown, than to believe he has any at all.

But further, the Controverſy does not meerly depend upon Legitimacy of the *Pretender's* Birth; for 'tis evident by all our Laws and Hiſtories, that a Birth-Right to Succeſſion was never reckoned, *Indefeaſible* in England, either by Kings or *Parliaments*. This being Matter of Fact which is to be determin'd by our ſaid Laws and Hiſtories, we muſt referr to them for the Deciſion, and I defy the boldeſt Aſſerter of the contrary Maxims, to prove them. What is here ſaid, is ſo plainly prov'd in a Book, call'd *Parliamentary Right maintain'd, or the Honover Succeſſion juſtify'd*, ſold by S. *Popping* in *P*ter-Noſter-Row, that no Body has yet undertaken to anſwer it, nor can they do it, without being guilty of Averments againſt Records, and of what Weight ſuch Averments are, every common Laywer is able to determine.

One would think this was enough to direct the moſt ſcrupulous Perſons, how they may be ſatisfy'd, that King *George* and his Family have the only Right to our Crown, and that no other Perſon or Family can pretend to it. But out of Compaſſion to thoſe who are really ſcrupulous, we would adviſe them to conſider, That an *Indefeaſible Hereditary Right* to Dominion, is not maintain'd in any other Kingdom in Europe; for all of them have on Occaſion, dethron'd the Reigning-Line, and ſet up others in their ſtead, who they thought were more capable of anſwering the Ends of Government, or to preſerve the Peace of Communities.

'Tis needleſs to dip far into Hiſtory to prove this, for the greateſt Patrons of the Pretender's Hereditary Right to our Crown, have own'd it in Practice. All the World knows, that in the late Treaty of Utrecht, they oblig'd the French King to recognize King George's Right of Succeſſion to the Government of Great-Britain and Ireland, by which they have brought themſelves into this Delemma, either to confeſs that their doing ſo was juſt, or that they were Atheiſts or the worſt of Men, in excluding not only the Pretender, but the whole Popiſh Line, from their Indefeaſible Hereditary Right, if they believ'd they had any.

Then as to France, 'tis plain, they never believ'd any ſuch Thing as a Divine, Indfeaſible Hereditary Right, otherwiſe they would never, by their Salick Law, have excluded the Female Branches of the Royal Family and their Deſcendants, from inheriting the Crown. Nor do they believe even the Hereditary Right of the Male Line, to be Divine and Indefeaſible, otherwiſe they would never have agreed to the mutual Renunciations of the Branches of France and Spain, as they did by the ſaid Treaty.

'Tis alſo very well known, that the late Tory Miniſtry, and their Adherents, were ſo far from believing or practiſing any ſuch Right, that they robb'd the Houſe of Auſtria, not only of their Hereditary Right to Spain and the Weſt-Indies, but to the Kingdoms of Sicily and Sardinia, over which they ſet up two Kings of their own making that had not the leaſt Pretentions to either of thoſe Kingdoms.

Where then will our Objectiors go for their Plea of a *Divine, indefeaſible, Hereditary Right*? They can find no ſuch thing in the Hiſtorys of the Kings of *Iſrael* and *Judah*, nor no Pattern in any Kingdom abroad, and for our own at Home, 'tis as plain as any thing can be, that the Family of Stuart had no other Right to our Crown but what they derived from the Parliamentary Entail upon Henry VII and his poſterity; and every body knows that he had no right but what the *Parliament* gave him in Excluſion of all other *Pretenders*.

'Tis hoped therefore, that theſe ſcrupulous Gentlemen will eaſily ſee, that they have been led in to theſe Scruples by a *Party* that don't believe on Word of what they have taught them to be a Divine, Indefeaſible Right, and that 'tis believ'd by no other Nation in Europe, but has only been trump'd up here, to introdvce Popery and Arbitrary *Power*, and is now avowedly made Uſe of by the Faction, to bring in a *Pretender* bred up in the Idolatry of Rome, and the Tyrannical Maxims of France; and ſince 'tis ſo, it is as demonſtrable as any thing can be, that we are not oblig'd by the Apoſtles Rule, To ſubmit to any ſuch *Power*, which is inconſiſtent with the Good of either Bodies or Souls, for the Apoſtles Maxim is, Rom, 13. 4. *That Rulers are Miniſters of God to us for Good.*

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